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In re Application of
Hiroyuki Honda
Application No. 09/262,595
Filed: March 5, 1999
For: **METHOD FOR INTERPOLATING A VIDEO SIGNAL**

MAILED

JUN 8 - 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment filed April 25, 2005, pursuant to 37 CFR § 1.181 (a). No fee is required.

The application was held to abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed December 3, 2001. A Notice of Abandonment was mailed May 2, 2002.

Petitioner states that applicant's attorneys relocated to a new address on March 6, 2002 and waited over a year to file a change of address via e-mail, expecting that the United States Postal Service would forward the mail to the new address. Petitioner provides as support a Notice of Customer Number Record Change, an e-mail from the Office indicating that there were questions with respect to some "questionable" applications and that a spreadsheet was attached to the e-mail requiring applicant's attention with respect to those "questionable" applications. Petitioner also provides page 14 of that spreadsheet to allege support for the assertion that a correspondence address change for the subject application.

A review of the file record and the subject petition reveals that the subject application was not associated with a customer number when it was filed. Petitioner states that an e-mail was sent to the Office requesting association of a spreadsheet of cases with a customer number. Petitioner did not provide a copy of the initial e-mail request in order to ascertain what was requested or a copy of the original spreadsheet which would confirm the request with respect to the applications listed in said spreadsheet. Instead, the evidence submitted by the petitioner included a copy of an e-mail response from the Office and a copy of page 14 of the spreadsheet which accompanied the Office's e-mail, which states that there were questions with respect to the subject application and requested a response. The subject petition did not include any evidence of a response to the Office's request.

Therefore, the petition merely presents an allegation of requesting association of the subject application to a customer number and the change of correspondence address with respect to the customer number. Had applicant's request for association of the subject application to a customer number been improper, which the e-mail response from the Office appears to suggest, then the application would not have been associated with a customer number. Petitioner's evidence is found to be lacking to show otherwise.

Accordingly, the petition is **DENIED**.

Any request for reconsideration must be submitted within TWO (2) Months from the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are not permitted. The reconsideration request should be a cover letter entitled "Renewed petition to Withdraw the Holding of Abandonment." This is not a final agency action within the meaning of 5 USC 704. Petitioner may wish to consider filing a Petition to Revive an Abandoned Application under 37 CFR 1.137.

It is further noted from the file record that the applicant timely filed an amendment after non-final Office action on November 13, 2001. If applicant(s) do not timely receive a response to their amendment, applicant(s) should inquire as to the status of the application in accordance with MPEP §203.08.

MPEP §203.08 [R-2] Status Inquiries, states in part:

II. < AMENDED APPLICATIONS

Amended applications are expected to be taken up by the examiner and an action completed within two months of the date the examiner receives the application. Accordingly, a status inquiry is not in order after reply by the attorney until 5 or 6 months have elapsed with no response from the Office.> However, in the event that a six month period has elapsed, and no response from the Office is received, applicant should inquire as to the status of the application to avoid potential abandonment. Applicants are encouraged to use PAIR to make status inquiries. See subsection III below.< A >stamped< postcard receipt for replies to Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. >See MPEP § 503.< Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 CFR 1.113. [emphasis added]

The application file will be forwarded back to the file repository.


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